

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION NO. 05-30002-MAP
)	
FRANK DEPERGOLA and)	
ARMANDO BOTTA,)	
Defendants)	

DEFENDANT, FRANK DEPERGOLA'S MOTION TO EXTEND
SELF SURRENDER DATE

Now comes the defendant, Frank Depergola, and moves this Honorable Court to extend the date for self surrender to December 29, 2006.

As reasons therefore, please see Affidavit of Counsel attached hereto.

Date: November 3, 2006

The Defendant,

/s/ Michael L. Foy
Michael L. Foy, Esq.
935 Main Street, Ste 203
Springfield, MA 01103
(413) 781-1106
BBO#176920

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AFFIDAVIT OF COUNSEL

I, Michael L. Foy, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank Depergola.
3. On October 18, 2006, the defendant was before the Honorable Judge Michael A. Ponsor for sentencing. The defendant received a sentence that included 24 months incarceration with a recommendation that the sentence be served at the federal institution at Ft. Devens.
4. The defendant was ordered to self surrender on November 20, 2006 before 2:00 p.m.
5. The defendant has not received any documentation to date from the Bureau of Prisons.
6. The defendant is respectfully requesting that he be allowed to self surrender on Friday, December 29, 2006.
7. The defendant operates a small used car sales lot on Liberty Street in Springfield, MA. His only employee (Mr. Depergola's wife assists part-time) was Mr. Umberto Lochiatto.
8. Mr. Lochiatto is a long time neighbor and close friend of Mr. Depergola. Mr. Lochiatto died suddenly on October 20, 2006 at the young age of 36.

9. Mr. Depergola is extremely saddened by the loss of his close friend. It has also placed a burden on Mr. Depergola to hire someone to take his place at International Auto Sales.
10. Further, by allowing the defendant to self surrender on December 29, 2006, he would be able to spend Christmas with his wife and two young children. This would greatly help the children adapt to their father's anticipated absence.
11. If the Court extends the self surrender date, the defendant may be afforded more of an opportunity to be processed to Ft. Devens.
12. The defendant has fully complied with the terms of release since the date of his arraignment and change of plea.

Signed under the pains and penalties of perjury this 3rd day of November, 2006.

/s/ Michael L. Foy
Michael L. Foy, Esquire